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Federal Public Defender  
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6

7 Attorney for Jose Roglio Florez

8  
9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 JOSE ROGLIO FLOREZ,

15 Defendant.  
16

Case No. 2:15-cr-071-JAD-GWF

**UNOPPOSED MOTION TO  
WAIVE APPEARANCE AT  
ARRAIGNMENT AND PLEA  
HEARING ON THIRD  
SUPERSEDING INDICTMENT**

17 COMES NOW THE DEFENDANT, Jose Roglio Florez, by and through Rene L.  
18 Valladares, Federal Public Defender and his counsel of record, Paul D. Riddle, Assistant  
19 Federal Public Defender, and hereby respectfully moves this Court for an order to waive his  
20 appearance on the Third Superseding Indictment (ECF 135) filed on October 5, 2016.

21 Although Federal Rules of Criminal Procedure 43(a) mandate a defendant appear for  
22 the initial arraignment and plea on indictment, defendant Jose Roglio Florez made his initial  
23 appearance for arraignment and plea in this case on March 18, 2015 (ECF 15).

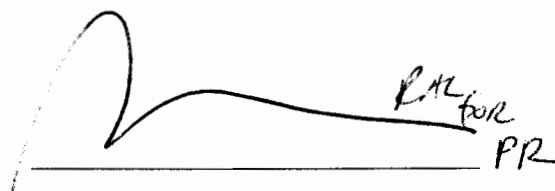
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1 After conferring, government counsel has indicated to undersigned defense counsel that  
2 he is not opposed to the waiver of Mr. Florez's appearance. The third superseding indictment  
3 filed has changed count three from Armed Bank Robbery to Interference with Commerce by  
4 Robbery, however, the factual allegations remain the same.

5 The defendant, Jose Roglio Florez, hereby requests this Court to proceed during  
6 defendant's absence pursuant to this waiver, and hereby agrees that defendant's interests are  
7 deemed represented at all times by the presence of defense counsel:

- 8 (1) The defendant affirms he has received and read a copy of the  
9 indictment and understands the nature of the charge(s);  
10 (2) The defendant understands and acknowledges that he has the  
11 right to remain silent, the right to trial by jury, the right to  
12 compulsory process, and the right to the assistance of counsel;  
13 (3) Counsel affirms that he has no reason to question the  
14 defendant's competence to assist in the defense of the case;  
15 (4) Defendant has a right to be present at the arraignment and  
16 waives that right;  
17 (5) Defendant's plea to the charge(s) is not guilty

18 DATED: 10/16/16

19   
20 PAUL D. RIDDLE  
21 Assistant Federal Public Defender

22 DATED: 10-17-16

23   
24 JOSE ROGLIO FLOREZ  
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1 Accordingly, Mr. Florez respectfully requests the Court waive his appearance Thursday,  
2 October 13, 2016 at 3:00 p.m.

3  
4 Respectfully submitted,

5  
6 DATED this 19th<sup>th</sup> of October, 2016. RENE L. VALLADARES  
7 Federal Public Defender

8 By: /s/ Paul D. Riddle

9 PAUL D. RIDDLE  
10 Assistant Federal Public Defender  
11 Attorney for Jose Roglio Florez  
12

13 IT IS SO ORDERED:

14 this 20th day of October,  
15 2016.

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17 UNITED STATES MAGISTRATE JUDGE  
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**CERTIFICATE OF ELECTRONIC SERVICE**

The undersigned hereby certifies that she is an employee of the Federal Public Defender for the District of Nevada and is a person of such age and discretion as to be competent to serve papers.

That on October 19, 2016, she served an electronic copy of the above and foregoing **UNOPPOSED MOTION TO WAIVE APPEARANCE AT ARRAIGNMENT AND PLEA HEARING ON THIRD SUPERSEDING INDICTMENT** by electronic service (ECF) to the person named below:

DANIEL G. BOGDEN  
United States Attorney  
ALEXANDRA M. MICHAEL  
ANDREW DUNCAN  
ROBER KNIEF  
Assistant United States Attorney  
333 Las Vegas Blvd. So. 5th Floor  
Las Vegas, NV 89101

/s/Nancy Vasquez, Legal Assistant  
Employee of the Federal Public Defender